

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**INSTINCTIVE MARKETING SOLUTIONS,** )  
**an Illinois Corporation** )

**Plaintiff** )

**v.** )

**REPROGRAPHICS NORTHWEST, LLC,** )  
**a California Limited Liability Company** )

**Defendant** )

**No.**

FILED: JUNE 13, 2008  
08CV3419  
JUDGE CASTILLO  
MAGISTRATE JUDGE KEYS  
  
TC

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1441 and 1446, defendant Reprographics Northwest, LLC (“Reprographics”) requests that case number 08 L 004836, pending in the Circuit Court of Cook County, Illinois, County Department, Law Division, be removed to the United States District Court for the Northern District of Illinois. In support, Reprographics states:

1. On May 2, 2008, Instinctive Marketing Solutions (“Instinctive”) filed a complaint against Reprogrpahics in the Circuit Court of Cook County, Illinois, County Department, Law Division for breach of contract. *See* complaint and summons, attached as Exhibit A. Instinctive is claiming \$131,275.57 in damages. *Id.*

2. On May 19, 2008, Reprographics was served with the summons and complaint. *See* Exhibit B, receipt of service of summons.

3. No further proceedings in this matter have taken place in the Circuit Court of Cook County.

4. Instinctive is an Illinois corporation and its principal place of business is located in Illinois. Reprographics is a California limited liability company and its principal place of business is located in California. Reprographic's sole member is a California corporation and its principal place of business is in California.

5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1), as the parties to this lawsuit are diverse and the claim brought by Instinctive exceeds \$75,000.00.

5. Copies of this Notice of Removal are being served on Instinctive and filed with the Circuit Court of Cook County.

WHEREFORE, Reprographics Northwest, LLC requests that the Court order that this matter to be removed from the Circuit Court of Cook County, Illinois, County Department, Law Division, to the United States District Court for the Northern District of Illinois.

**REPROGRAPHICS NORTHWEST, LLC**

By: /s Cassandra M. Crane  
One of Its Attorneys

Anthony C. Valiulis  
Cassandra M. Crane  
**Much Shelist Denenberg**  
**Ament & Rubenstein, P.C.**  
191 North Wacker Drive, Suite 1800  
Chicago, Illinois 60606-1615  
(312) 521-2000  
Atty. Id. No. 80580

# **EXHIBIT A**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

INSTINCTIVE MARKETING SOLUTIONS, ) No.  
an Illinois Corporation, )  
)  
Plaintiff, )  
)  
v. )  
)  
REPROGRAPHICS NORTHWEST, LLC., a )  
California Limited Liability Company, )  
)  
Defendant. )

2008L004836  
CALENDAR/ROOM V  
TIME 00:00  
Breach of Contract

**COMPLAINT AT LAW**

Now Comes Plaintiff, INSTINCTIVE MARKETING SOLUTIONS, an Illinois Corporation ("Plaintiff"), by its attorneys, THE CHAET KAPLAN BAIM FIRM, and complains of the Defendant, REPROGRAPHICS NORTHWEST, LLC., a California Limited Liability Company ("Defendant"), as follows:

1. Plaintiff is in the business of commercial printing.
2. Defendant ordered the printing described on the invoice attached hereto as Exhibit "A".
3. Thereafter, Defendant authorized their affiliate company, American Reprographics, LLC., a California Limited Liability Company d/b/a THE IDM Group/Mossner IDM ("Mossner IDM") to act as their agent regarding all transactions with themselves and the Plaintiff.
4. At all times material, Peter Perales was agent and servant of Mossner IDM and transacted business within the course and scope of his agency and servitude.

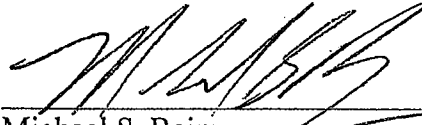
5. The transaction, which gave rise to the causes of action complained of herein, arose in the State of Illinois, County of Cook. Venue is proper in the State of Illinois, County of Cook.
6. The transactions and instructions between the Plaintiff and Defendant's Agent, Pete Perales, took place at Mossner IDM office located at 200 North Michigan Avenue, Chicago, Illinois 60601.
7. Under the terms of the agreement, Defendant agreed to pay Plaintiff \$128,099.02 for the printing in Illinois.
8. Plaintiff delivered the printing to Defendant.
9. Defendant accepted the printing.
10. Defendant is responsible for payment of all invoices.
11. Defendant has breached the contract by failing to pay for the printing in the amount of \$128,099.02.
12. Plaintiff has made demand upon Defendant for the payment of \$128,099.02, and Defendant has refused and continues to refuse to make payment.
13. Beginning December 3, 2007, pursuant to 815 ILCS 205/2, Plaintiff claims pre-judgment interest at the statutory rate of 5%, in the amount of \$3,176.55 through June 1, 2008, and \$17.55 per day thereafter until judgment is entered for Defendant's unreasonable and vexatious delay in making payment.

WHEREFORE, Plaintiff, INSTINCTIVE MARKETING SOLUTIONS, an Illinois Corporation, respectfully requests entry of a judgment against Defendant, REPROGRAPHICS NORTHWEST, LLC., a California Limited Liability Company, in the amount of \$128,099.02,

plus interest in the amount of \$3,176.55 through June 1, 2008, and \$17.55 per day thereafter, for a total judgment in the amount of \$131,275.57, plus additional interest and costs.

Respectfully submitted,

INSTINCTIVE MARKETING SOLUTIONS, an Illinois  
Corporation,  
Plaintiff herein,

A handwritten signature in black ink, appearing to read 'M. S. Baim', is written over a horizontal line.

Michael S. Baim  
Attorney for Plaintiff

THE CHAET KAPLAN BAIM FIRM  
Attorneys for Plaintiff  
30 North LaSalle St., Suite 1520  
Chicago, Illinois 60602  
(312) 704-8510  
Firm No: 37942

**AFFIDAVIT OF CLAIM PURSUANT TO 735 ILCS 5/1-109**

The undersigned, under penalties as provided for by law pursuant to 735 ILCS 5/1-109, certifies the statements set for the herein to be true and correct:

1. I am an individual doing business as Instinctive Marketing Solutions, of

Carol Stream, IL;  
(City and State Address)

2. I am the owner of Instinctive Marketing Solutions, a corporation incorporated under the laws of the State of IL and that there is an account in favor of Instinctive Marketing Solutions and against Repro Graphics, in the amount of one hundred twenty eight thousand ninety nine dollars and two cents (\$128,099.02) plus interest and attorney's fees in accordance with Illinois Statute and/or contract, if applicable; that no part claimed within this affidavit has been paid or satisfied, and that there are no offsets or counterclaims, to my knowledge or belief.

Pursuant to Supreme Court Rule 222:

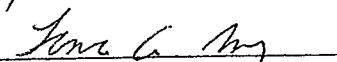
THIS CLAIM [DOES X] [DOES NOT     ] EXCEED \$50,000.00.

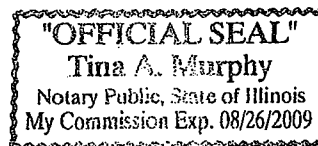
THE CHAET KAPLAN BAIM FIRM  
Attorneys for Plaintiff  
30 North LaSalle Street, Suite 1520  
Chicago, Illinois 60602  
(312) 704-8510

  
(Signature of Officer, Partner or Individual)

DATED: April 16, 2008.

SUBSCRIBED AND SWORN TO  
BEFORE ME this 16 day of

April, 2008.  
  
NOTARY PUBLIC



FROM : rican Sheetfed

FAX NO. : 6305109455

Jan. . 29 2008 01:07PM P3

# Invoice



529 North First Street  
Geneva, IL 60134

Date	Invoice #
12/3/2007	2969

Bill To  
Reprio NY  
1850 136th Ave  
NE Bellevue, WA 98005

Description	Amount
Panera Pastry Tags 4296 @ \$8.60/sheet Franchise Pastry Tags 1690 @ \$8.60/sheet	36,945.60 14,534.00
Finish sheet size to be 11 x 17 - 15 UP 3/0 black plate change 2.64x2.59 die cut size -- must be hold with 2 or 4 nicks on 11x17 quadrants 15 pt. styrene Film laminated	
OVERTIME	9,144.00
MESSENGER FEES	299.90
FREIGHT	67,175.52
PLAINTIFF'S EXHIBIT	Total \$128,099.02



2:55 PM

08-558

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

INSTINCTIVE MARKETING,  
SOLUTIONS, an Illinois Corporation,

Plaintiff,

v.

REPROGRAPHICS NORTHWEST, LLC., a  
California Limited Liability Company,

Defendant(s).

)  
) No.  
)  
)

2008L004836  
CALENDAR/ROOM V  
TIME 00:00  
Breach of Contract

**PLEASE SERVE:**

**CT CORPORATION SYSTEM,  
REGISTERED AGENT OF  
REPROGRAPHICS NORTHWEST, LLC.  
1801 West Bay Drive NW, Ste. 206  
Olympia, WA 98502**

**SUMMONS**

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court in Room 801, Richard J. Daley Center, Chicago, Illinois 60602 within 30 days after service of this summons, not counting the date of service.

**IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF IN THE COMPLAINT, A COPY WHICH IS HERETO ATTACHED.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS, MAY 02 2008, 2008

SCOTT BROWN

Clerk of the Court

THE CHAET KAPLAN BAIM FIRM  
Attorneys for Plaintiff  
30 North LaSalle St., Suite 1520  
Chicago, IL 60602  
(312) 704-8510  
Firm No. 37942

Date of Service:                     , 2008  
(To be inserted by officer on copy left with defendant,  
or other person)

# **EXHIBIT B**

**Service of Process  
Transmittal**

05/19/2008

CT Log Number 513441531



**TO:** David Wallace, General Counsel  
American Reprographics Company  
1981 N. Broadway, Suite 385  
Walnut Creek, CA 94596

**RE: Process Served in Washington**

**FOR:** Reprographics Northwest, LLC (Domestic State: CA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Instinctive Marketing Solutions, etc., Pltff. vs. Reprographics Northwest, LLC, etc., Dft.
<b>DOCUMENT(S) SERVED:</b>	Summons, Complaint, Affidavit, Attachment
<b>COURT/AGENCY:</b>	Cook County, Circuit Court of Illinois, IL Case # 2008BL004836
<b>NATURE OF ACTION:</b>	Monies Due and Owing - Services Rendered - Amount \$128,099.02 for printing
<b>ON WHOM PROCESS WAS SERVED:</b>	CT Corporation System, Olympia, WA
<b>DATE AND HOUR OF SERVICE:</b>	By Process Server on 05/19/2008 at 14:15
<b>APPEARANCE OR ANSWER DUE:</b>	Within 30 days after service
<b>ATTORNEY(S) / SENDER(S):</b>	Michael S. Baim The Chaet Kaplan Baim Firm 30 North LaSalle St., Suite 1520 Chicago, IL 60602 213-704-8510
<b>ACTION ITEMS:</b>	SOP Papers with Transmittal, via Fed Ex 2 Day , 791069874662 Email Notification, Fred B Weil FWEIL@HANSONBRIDGETT.COM Email Notification, Mark Legg mlegg@e-arc.com
<b>SIGNED:</b>	CT Corporation System
<b>PER:</b>	Michele Rowe
<b>ADDRESS:</b>	1801 West Bay Drive NW Suite 206 Olympia, WA 98502
<b>TELEPHONE:</b>	360-357-6794